REMARKS

This Amendment is responsive to the non-final Office Action dated April 2, 2010 ("Office Action"), which reopened prosecution. Applicant's representative would like to thank Examiner Liu for the courtesy he extended during the telephone interview conducted on April 19, 2010.

By the foregoing amendments, Applicant is amending the independent claims along the lines discussed during the interview. In addition, Applicant is canceling claims 32 and 56, and is adding three dependent claims. The new dependent claims are supported by at least Figure 2, which illustrates an embodiment in which the web server makes the service request before returning an initial portion of the page (see events 2 and 3 in Figure 2).

The independent claims stand rejected under 35 U.S.C. 103(a) over Hayton (U.S. Pat. 7,051,084) in view of Miller (U.S. Pub. 2003/0040970). In view of the amendments being made herein, Applicant respectfully submits that Hayton and Miller do not collectively teach or suggest the subject matter of any independent claim.

<u>Independent Claim 1</u>

For example, with respect to claim 1, Hayton and Miller do not collectively teach or suggest at least the following features in the context of the claim's other recitations: "transmitting a first portion of the web page from the server to the user computer … while said service request is pending," "incorporat[ing] the service data included within the second portion of the web page into the first portion of the web page in a viewable format to complete the web page," and "whereby the method enables an incomplete version of the requested web page to be viewed on the user computer while the service data is being retrieved."

As discussed during the interview, Hayton never suggests that the server transmits a portion of the requested page to the user's computer while the server is waiting for requested service data. Thus, when a page is initially requested in Hayton, the user apparently cannot begin to review any portion of the page until after the server has retrieved all of the data for generating the page. For example, if five seconds elapse before the requested data becomes available to the server, the user will apparently experience at least a five-second delay before the requested page will begin to appear. Although Hayton's process for subsequently updating the displayed page may involve transmitting selected portions of the page (namely those that have changed), this

updating process does not involve the above-quoted features of claim 1. For example, the updating process does not involve "transmitting a first portion of the web page from the server to the user computer … while said service request is pending."

Miller does not overcome these deficiencies in Hayton, and the Office Action does not contend otherwise. Further, the Office Action does not articulate a reason that would have prompted one skilled in the art to combine Hayton and Miller.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Hayton and Miller.

<u>Independent claims 18, 27 and 52</u>

In view of the foregoing, Hayton and Miller also fail to collectively teach or suggest the subject matter of each of claims 18, 27 and 52. For example, Hayton and Miller do not collectively teach or suggest at least the following portions of these independent claims:

Claim 18: "when the service does not return the requested service data within the selected time interval: (a) transmitting at least said portion of the web page to the web browser without the service data while the service request is pending, to thereby enable an incomplete version of the web page to be displayed by the web browser while the service data is being retrieved."

Claim 27: "while the service request is pending, transmitting to the web browser at least a first portion of the web page, said first portion including content that is viewable within the web browser while the service data is being retrieved," and "the method enables a user to view an incomplete version of the web page while the service data is being retrieved."

Claim 52: "while the service request is pending, transmitting to the browser at least a first portion of the web page, said first portion including content that is viewable with the browser while the service data is being retrieved," and "causing the browser to execute a page update handler that, when executed, causes a viewable representation of the service data to be incorporated into the first portion of the web page to complete the web page."

<u>Dependent claims</u>

The rejections of the dependent claims are improper in view of their dependencies from the corresponding independent claims discussed above. In addition, at least some of the dependent claims recite features that represent additional patentable distinctions over the cited art.

As one example, claim 8 states that "the placeholder for the requested service data is included within the first portion of the web page in response to a failure of the service to return the service data within a selected time interval." The referenced portion of Miller, paragraphs 0040-0041, simply does not teach or suggest this feature.

<div align="center">Conclusion</div>

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections and allow the application.

By amending the claims and pointing out distinctions over the references, Applicant is not disclaiming or disavowing any subject matter, and is not admitting that any of the references constitutes prior art. In addition, by focusing on specific claims and claim recitations in the above remarks, Applicant does not imply an agreement with, and does not acquiesce in, the statements in the Office Action regarding other claims and claim recitations. Further, Applicant's remarks in support of the patentability of one independent claim should not be imputed to any other independent claim, even if similar terminology is used.

If any issues remain, the Examiner is invited to call Applicant's representative at 949.721.2950.

Please charge any additional fees that may be due now or in the future, or credit any overpayment, to deposit account 11-1410.

Respectfully submitted,

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Dated: May 11, 2010　　　　　By:　/Ronald J. Schoenbaum/＿＿＿＿＿＿
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